

United States Department of Agriculture



Natural Resources Conservation Service
P.O. Box 2890
Washington, D.C. 20013

November 28, 2011

Ms. Ruth Pierpont
President
National Conference of State Historic Preservation Officers
New York State Historic Preservation Office
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189

Dear Ms. Pierpont,

The purpose of this letter is to invite the participation of the National Conference of State Historic Preservation Officers (NCSHPO) in the development of a new nationwide program alternative for compliance with Section 106 of the National Historic Preservation Act for the United States Department of Agriculture, Natural Resources Conservation Service (NRCS). The NRCS has been involved in preliminary discussions with the Advisory Council on Historic Preservation (ACHP) regarding this matter, and would like to formally involve NCSHPO in the consultations as required by the ACHP's regulations, "Protection of Historic Properties" (36 CFR Part 800).

As you are aware, the NRCS works with landowners through conservation planning and assistance designed to benefit the soil, water, air, plants, and animals that result in productive lands and healthy ecosystems. To tailor its compliance with Section 106, the NRCS is currently operating under a nationwide 'Programmatic Agreement among the United States Department of Agriculture Natural Resources Conservation Service, the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers relative to: Conservation Assistance'. This nationwide programmatic agreement encourages the development of State Level Agreements (SLAs) with State Historic Preservation Officers (SHPOs) and Consultation Protocols with interested Federally Recognized Indian tribes and Native Hawaiian organizations, and will expire on May 30, 2012.

In an effort to continue a program of tailored compliance with Section 106, the NRCS is contemplating the development of a nationwide prototype programmatic agreement (prototype agreement). The ACHP can designate an agreement document as a prototype agreement that may be used for the same type of program or undertaking in more than one case or area. Should the ACHP designate a nationwide prototype agreement for the NRCS, individual NRCS state offices would be able to develop state specific agreements with the relevant SHPO, Tribal Historic Preservation Officer (THPO), Indian tribe(s) and Native Hawaiian organization(s) following the direction and principles of the national prototype without need for ACHP participation in consultation or the ACHP's signature.

We would like the views of NCSHPO and individual SHPOs to inform the discussion so that the new program alternative addresses lessons learned during the past decade in coordinating NRCS Section 106 reviews. As such, we are interested in learning more about the experiences of SHPOs operating

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under the existing NRCS nationwide programmatic agreement and identifying issues that might be addressed in a prototype agreement. The NRCS, in coordination with the ACHP, would like to host a series of teleconferences over the next few months to hear your initial thoughts and perspectives on this proposal.

In addition, we would like to ask NCSHPO to appoint a team of individual SHPOs to participate in an interagency work group to assist in the development of a new program alternative. At present, a number of SHPOs and NRCS State Offices are operating under existing SLAs pursuant to the current NRCS nationwide programmatic agreement. In considering a new prototype agreement, we intend to provide for the continuation of these SLAs to the extent possible, requiring, however, that all such agreements be consistent with the policy and provisions of any new nationwide program alternative. This is particularly important in regard to the identification of those undertakings requiring no further or expedited Section 106 review with the SHPO. In such cases, NRCS must still consult with Indian tribes and Native Hawaiian organizations regarding the potential effects to historic properties of religious and cultural significance to them. NCSHPO and SHPO input into the process at this early stage is essential to resolve the future of individual SLAs.

Because the NRCS and the ACHP agree that this effort should be transparent given the breadth and scope of NRCS programs throughout the nation, we need to consider how to fully engage stakeholders. Currently, we are considering the development of a webpage that would be hosted through the ACHP's publicly accessible website, www.achp.gov. This webpage would provide current information on the development of the prototype agreement, the program schedule, draft documents for review and comment, and contact information for the relevant NRCS and ACHP staff.

Further, to allow the NRCS' current Section 106 program and SLAs to continue while a new nationwide program alternative is considered, we are contemplating a proposal to amend the existing nationwide programmatic agreement to extend its duration. We would anticipate this limited extension lasting no longer than six months. We would welcome your thoughts and suggestions on such a proposal.

Thank you in advance for your participation in this initiative. If you have any questions, please do not hesitate to contact me via phone (202) 720-4912 or email sarah.bridges@wdc.usda.gov. You may also contact the ACHP's NRCS Liaison/Attorney Advisor, Ms. Kelly Fanizzo, at (202) 606-8507 or email kfanizzo@achp.gov.

Sincerely,



Sarah Bridges

Federal Preservation Officer and National Cultural Resources Specialist
Ecological Sciences Division

cc. Nancy Schamu, Executive Director, National Conference of State Historic Preservation Officers
(NCSHPO)
Kelly Fanizzo, NRCS Liaison/Attorney Advisor, Advisory Council on Historic Preservation
(ACHP)